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Attorney for Plaintiff
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;)	Civ. No. CV03 00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
)	
vs.)	
)	DECLARATION OF TIMOTHY J.
HAWAIIAN EXPRESS SERVICE,)	HOGAN; EXHIBIT 1
INC., a California corporation; et al.)	
)	
)	
Defendants.)	
)	
_____)	

DECLARATION OF TIMOTHY J. HOGAN

I, TIMOTHY J. HOGAN, am an attorney licensed to practice before all the courts of Hawaii and I make this declaration under penalty of perjury. All the statements herein are true and correct to the best of my knowledge, information

and belief. If called upon to testify regarding the matters contained herein, I am competent and willing to do so.

Attached hereto as Exhibit “1” is a true and correct excerpt from the Court’s Order Denying Defendants’ Motions for Summary Judgment etc., dated October 21, 2005, related to damages.

DATED: Honolulu, Hawaii, February 23, 2006.

/s/ Timothy J. Hogan
TIMOTHY J. HOGAN